

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

A.D. ARMSTRONG,	:	
	:	NO. 1:12-CV-00132
Plaintiff,	:	
	:	
	:	
v.	:	<b>ORDER</b>
	:	
	:	
TIM BRUNSMAN, et al.,	:	
	:	
Defendants.	:	

This matter is before the Court on the January 7, 2013 Magistrate Judge's Report and Recommendation, in which she recommends that Plaintiff's case be dismissed with prejudice for failure to prosecute (doc. 63), and Plaintiff's objections thereto (doc. 65).

In his objections, Plaintiff continues to claim that the danger to him is real. However, Plaintiff again provides no specifics and, in any event, as the Court has repeatedly advised Plaintiff, the imminent danger exception to the three-strikes bar to proceeding in forma pauperis refers to imminent danger of serious physical harm at the time the complaint is filed. See Malik v. McGinnis, 293 F.3d 559, 562-3 (6th Cir. 2002). Plaintiff has simply not shown that he faced imminent danger at the time he filed his complaint. Thus, his objections to the

Magistrate Judge's Report and Recommendation are unpersuasive.

Pursuant to 29 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 63) in its entirety and this case is DISMISSED WITH PREJUDICE and closed on the Court's docket. Accordingly, the Clerk is instructed to return to Plaintiff with all deliberate speed the document Plaintiff sent to the Court identified as Plaintiff's copy of his Quran.

SO ORDERED.

Dated: March 12, 2013

s/S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge